

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 KENNETH AMMONS,

11 Plaintiff,

12 v.

13 SCOTT LIGHT, *et al.*,

14 Defendants.

CASE NO. 3:19-cv-5028-RBL-JRC

ORDER TO SHOW CAUSE WHY
PERSONAL SERVICE SHOULD
NOT BE EFFECTED

15
16 This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
18 MJR 3, and MJR 4. Plaintiff proceeds *pro se* and *in forma pauperis*. See Dkts. 5, 8.

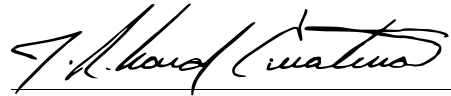
19 On April 18, 2019, this Court directed service of plaintiff's complaint on 18 named
20 defendants, including the Department of Corrections ("DOC"). See Dkt. 9. The Court directed
21 that each defendant be sent a waiver of service and instructed that defendants who failed to
22 waive service within 30 days would be personally served, at their own expense. See Dkt. 9, at 2.

23 Although most of the defendants timely returned service waivers, defendant DOC failed
24 to do so. No attorney has entered an appearance for defendant DOC, either.

1 The Court has no jurisdiction over defendant DOC until it has been properly served under
2 Federal Rule of Civil Procedure 4. *Direct Mail Specialists, Inc. v. Eclat Computerized Techs.,*
3 *Inc.*, 840 F.2d 685, 688 (9th Cir. 1988). Under Rule 4(c)(2), the Court may order that service be
4 made by a United States marshal. However, in this district, the marshals do not attempt personal
5 service upon a defendant unless mail service is unavailing. *See* Local Rule 4(c).

6 As such, the Court **ORDERS** defendant DOC to show cause by **June 21, 2019**, why it
7 should not be personally served at its own expense for failure to file a service waiver. Defendant
8 DOC may satisfy this show-cause order by filing a waiver and by having counsel enter a notice
9 of appearance on its behalf and indicate whether it joins in any pleadings or pending motions.

10 Dated this 5th day of June, 2019.

11
12 

13 J. Richard Creatura
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24